

ELWOOD H. JONES JR.  
339-441 D-5-27  
878 COITSVILLE-HUBBARD RD  
YOUNGSTOWN, OH 44505-4635

MR. MICHAEL MONTA  
-ATTORNEY AT LAW-  
3625 OLD SALEM ROAD  
DAYTON, OH 45415-1427

MR. GARY W. CRIM  
-ATTORNEY AT LAW-  
943 MANHATTEN AVE.  
DAYTON, OH 45406-5141

SEPTEMBER 29, 2006

DEAR MR. CRIM, MR. MONTA,

ON SEPTEMBER 27, 2006, I RECEIVED NOTICE FROM THE UNITED STATES DISTRICT COURT, INFORMING ME UNDER THE **RULE** OF THE **FEDERAL COURT**:

1. I CANNOT FILE A PRO SE MOTION WHILE BEING REPRESENTED BY COUNSEL AND WITHOUT THE ENDORSEMENT OF COUNSEL.

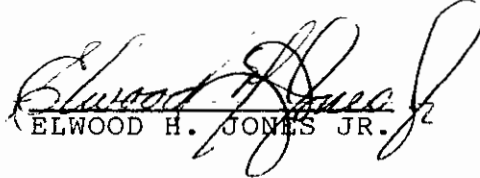
2. THE COURT REALIZES THAT THIS IS THE PETITIONER'S CASE AND THAT HIS LIFE IS AT STAKE. BECAUSE HE IS COMPETENT, HE HAS THE RIGHT TO DETERMINE WHICH GROUNDS FOR RELIEF **WILL** BE PURSUED AND WHICH WILL **NOT**. HOWEVER, NO PARTY CAN PROCEED IN **FEDERAL COURT** PARTIALLY PRO SE AND PARTIALLY ON **REPRESENTATION OF COUNSEL**. SO LONG AS MR. JONES IS REPRESENTED BY COUNSEL THEY MUST **SIGN** THE MOTION PAPERS **FILED** WITH THE **COURT**. THEREFORE THE **PRO SE MOTION TO SUPPLEMENT** IS STRICKEN WITHOUT PREJUDICE TO ANY OF THE SUBSTANTIVE CONTENT WITH THE **SIGNATURE OF COUNSEL**.

MR. CRIM, MR. MONTA, ON SEPTEMBER 2, 2006, WE DISCUSSED AND AGREED TO ABANDON A NUMBER OF FRIVOLOUS ISSUES SPELLED-OUT IN THE PRO SE MOTION I SUBMITTED TO THE COURT ON SEPTEMBER 14, 2006, DOCKET #80 AND TO FOCUS ON AND ESTABLISH A RECORD OF CLARITY BEFORE THE COURT, RAISING CONCEIVABLE ISSUES **WITHIN** TRAVERSE PETITION.

I AM GOING TO BE OPEN AND HONEST WITH BOTH OF YOU. IF IN GOOD CONSCIENCE, EITHER ONE OR BOTH OF YOU CANNOT SIGN ON TO THE PRO SE MOTION IN QUESTION, REPRESENTING MY BEST INTEREST ON APPEAL AND ABIDE BY MY WISHES, I WOULD ASK THAT YOU NOTIFY THE COURT OF THIS AND RECUSE YOURSELF FROM THIS CASE NO LATER THAN **OCTOBER 6, 2006**. IF I AM FORCED TO I WILL REPRESENT MYSELF ON THE REMAINING PORTIONS OF MY FEDERAL APPEAL!

PAGE 2  
SEPTEMBER 29, 2006  
MR. CRIM AND MR. MONTA

AS I BRING THIS LETTER TO A CLOSE, I HOPE THIS DOES NOT CREATE ANY ANIMOSITY OR BAD FEELING. I HOPE WE CAN RESPECT EACH OTHERS VIEWS AND WISHES, EVEN IF WE DO NOT ALWAYS AGREE WITH EACH OTHER. COMMUNICATION AND UNDERSTANDING AND HONESTY IS **ALL** I AM ASKING FOR AS A CLIENT.

  
ELWOOD H. JONES JR.

CC: CHIEF MAGISTRATE: JUDGE MERZ